

REMARKS

The status of the claims as a result of the instant Preliminary Amendment, submitted in connection with the filing of the application for reissue of U.S. Patent No. 6,261,834, is:

Claims 1-15 are canceled;

Claim 16-30 are added.

Independent claim 16 is drawn to an expression vector which comprises two inverted terminal repeats (ITRs) of adeno-associated virus 2 and an expression cassette which resides between the two ITRs. The expression cassette is further characterized in the claim as comprising a promoter capable of effecting cell-specific expression and a heterologous gene.

The expression vector of claim 16 is supported by claim 1 of the original patent and by the entire specification, e.g., column 17, lines 1-32. Claim 16 differs from claim 1 of the original patent only in that claim 16 does not contain the preamble "for site-specific integration and cell-specific gene expression." The preamble merely describes certain mechanistic features of the claimed recombinant AAV vector and is not necessary for the purpose of defining the claimed expression vector.

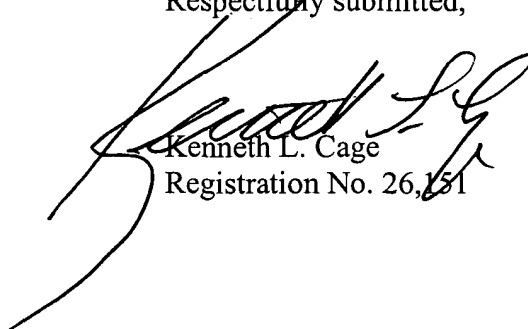
Claims 17-30, which depend from claim 16, are written in the same manner as dependent claims 2-15 of the '834 patent and are supported throughout the specification.

It is respectfully submitted that no new matter is introduced by the instant Preliminary Amendment.

A Request for Reexamination of the '834 patent was filed on February 10, 2003, and was assigned Reexamination Application No. 90/006,542. The Request was denied on the ground that the prior art references cited in the Request do not raise any substantial new question of patentability. A copy of the Decision on the Request for Reexamination is also enclosed.

Applicant also respectfully advises the Examiner that the '834 patent was the subject of the civil proceeding captioned "Avigen, Inc. v. Research Corporation Technologies, Inc.", Case No. C02 0880, United States District Court for the Northern District of California, which is now dismissed. A copy of the Summons and a copy of the Dismissal Order of this civil action are enclosed. All identified issues respecting prior art and enablement have been rendered moot by the decision on Reexamination and the amendments herein, respectively.

Respectfully submitted,



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